

**CHAPTER 60**  
**VIRGINIA STORMWATER MANAGEMENT PROGRAM**  
**(VSMP) PERMIT REGULATIONS**

**Part IIIA**  
**Local Programs**

**4VAC50-60-100. Applicability. Repeal**

**4VAC50-60-110. Technical criteria for local programs. Repeal**

**4VAC50-60-120. Requirements for local program and ordinance. Repeal**

**4VAC50-60-130. Administrative procedures: stormwater management plans. Repeal**

**4VAC50-60-140. Administrative procedures: exceptions. Repeal**

**4VAC50-60-150. Administrative procedures: maintenance and inspections. Repeal**

**4VAC50-60-102. Authority and Applicability.**

If a locality has adopted a local stormwater management program in accordance with the Virginia Stormwater Management Act, §10.1-603.2 et seq. and the board has deemed such program consistent with the Virginia Stormwater Management Act and these regulations in accordance with §10.1-603.3 subsection F, the board may authorize a locality to administer a qualifying local program. Pursuant to §10.1-603.4, the board is required to establish standards and procedures for such an authorization.

This part specifies the minimum technical criteria and the local government ordinance requirements for a local program to be considered as a qualifying local program. Such criteria include but are not limited to administration, plan review, issuance of coverage under the Virginia Stormwater Management Program (VSMP) General Permit for Discharges of Stormwater from Construction Activities, inspection, and enforcement.

**4VAC50-60-104. Technical criteria for qualifying local programs.**

A. All qualifying local programs shall require compliance with the provisions of Part II (4VAC50-60-40 et seq.) unless an exception is granted pursuant to 4VAC50-60-122 and shall comply with the requirements of 4VAC50-60-460 subsection L.

B. When a locality operating a qualifying local program has adopted requirements more stringent than those imposed by this chapter in accordance with §10.1-603.7 or implemented a comprehensive stormwater management plan, the department shall consider such requirements in its review of state projects within that locality in accordance with Part IV of these regulations (4VAC50-60-160 et seq.).

C. Nothing in this part shall be construed as authorizing a locality to regulate, or to require prior approval by the locality for, a state project.

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**4VAC50-60-106. Qualifying local program administrative requirements.**

A. A qualifying local program shall provide for the following:

1. Identification of the authority authorizing coverage under the VSMP General Permit for Discharges of Stormwater from Construction Activities (4 VAC 50-60-1170), the plan reviewing authority, the plan approving authority, the inspection authority, and the enforcement authority;

2. Regulations and technical criteria to be used in the qualifying local program;

3. Procedures for the submission and approval of plans;

4. Assessment and collection of fees;

5. Inspection and monitoring of land disturbing activities covered by a permit for compliance;

6. Procedures for long-term inspection of stormwater management facilities; and

7. Enforcement.

B. A locality shall adopt an ordinance(s) that incorporates the components set out in subsection A and procedures provided by the department for the issuance, denial, revocation, termination, reissuance, transfer, or modifications of coverage under the VSMP General Permit for Discharges of Stormwater from Construction Activities.

C. A qualifying local program shall report to the department information related to the administration and implementation of the qualifying local program in accordance with 4VAC50-60-126.

D. A qualifying local program may require the submission of a reasonable performance bond or other financial surety and for the release of such sureties in accordance with the criteria set forth in §10.1-603.8.

**4VAC50-60-108. Qualifying local program stormwater management plan review.**

A. A qualifying local program shall require stormwater management plans to be submitted for review and approval prior to commencement of land disturbing activities.

B. A qualifying local program shall approve or disapprove a stormwater management plan and required accompanying information according to the following:

1. Stormwater management plan review shall begin upon submission of a complete plan. A complete plan shall at a minimum include the following elements:

a. The location of all points of stormwater discharge, receiving surface waters or karst features into which the stormwater discharges, and pre-development and post-development conditions for drainage areas, including final drainage patterns and changes to existing contours;

b. Contact Information including the name, address, and telephone number of the property owner and the operator of the construction site and the tax reference number and parcel number of the property or properties affected;

c. A narrative description of the site, as depicted on the submitted map pursuant to subsection h, and proposed stormwater management facilities and the mechanism through which the facilities will be operated and maintained during and after construction activity;

d. The location and the design of the proposed stormwater management facilities;

e. Information identifying the hydrologic characteristics and structural properties of soils utilized with the installation of stormwater management facilities;

f. Comprehensive hydrologic and hydraulic computations of the pre-development and post-development runoff conditions for the required design storms;

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91           g. Good engineering practices and calculations verifying compliance with the water  
92 quality and quantity requirements of this chapter;  
93           h. A map(s) of the site which depicts the topography of the site and includes:  
94           (i) all contributing drainage areas;  
95           (ii) receiving surface waters or karst features into which stormwater will be discharged;  
96           (iii) existing streams, ponds, culverts, ditches, and wetlands;  
97           (iv) soil types, forest cover, other vegetative areas;  
98           (v) current land use including all existing structures and locations of utilities, roads, and  
99 easements;  
100           (vi) the location of the natural resources and structures at the site as they exist prior to the  
101 commencement of the project;  
102           (vii) sufficient information on adjoining parcels to assess the impacts of stormwater from  
103 the site;  
104           (viii) the limits of clearing and grading, and the proposed drainage patterns on the site;  
105           (ix) proposed buildings, roads, parking areas, utilities, and stormwater management  
106 facilities; and  
107           (x) proposed land use with tabulation of the percentage of surface area to be adapted to  
108 various uses, including but not limited to planned locations of utilities, roads and easements.  
109           i. Proposed right-of-entry agreements or easements from the owner for purposes of  
110 inspection and maintenance;  
111           j. Proposed maintenance agreements between a qualifying local program and the owner,  
112 which shall contain provisions for fiscal responsibility and inspection schedules. Such  
113 agreements may also contain provisions specifying that, where maintenance or repair of a  
114 stormwater management facility located on the owner's property is neglected, or the stormwater  
115 management facility becomes a public health or safety concern and the owner has failed to  
116 perform the necessary maintenance and repairs after receiving notice from the locality, the  
117 qualifying local program may perform the necessary maintenance and repairs and recover the  
118 costs from the owner. In the specific case of a public health or safety danger, the written notice  
119 may be waived by the locality.  
120           k. A complete registration statement and required fees.  
121           1. Such other information as may be deemed necessary by the qualifying local program.  
122           2. Elements of the stormwater management plans shall be appropriately sealed and signed  
123 by a professional in adherence to all minimum standards and requirements pertaining to the  
124 practice of that profession in accordance with Chapter 4 of Title 54.1 of the Code of Virginia and  
125 attendant regulations, and the person responsible for the land disturbing activity or their  
126 designated agent shall certify that all land clearing, construction, land development and drainage  
127 will be done according to the approved plan.  
128           3. Completeness of a plan and required accompanying information shall be determined  
129 by the qualifying local program, and the applicant shall be notified of any determination, within  
130 15 calendar days of receipt.  
131           a. If within those 15 days the plan is deemed to be incomplete based on the criteria set out  
132 in subsection B of this section, the applicant shall be notified in writing of the reasons the plan is  
133 deemed incomplete.  
134           b. If a determination of completeness is made and communicated to the applicant within  
135 the 15 calendar days, an additional 60 calendar days from the date of the communication will be  
136 allowed for the review of the plan.

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c. If a determination of completeness is not made and communicated to the applicant within the 15 calendar days, the plan shall be deemed complete as of the date of submission and a total of 60 calendar days from the date of submission will be allowed for the review of the plan.

4. During the review period, the plan shall be approved or disapproved and the decision communicated in writing to the person responsible for the land disturbing activity or their designated agent. If the plan is not approved, the reasons for not approving the plan shall be provided in writing. Approval or denial shall be based on the plan's compliance with the requirements of this chapter and of the qualifying local program.

5. If a plan meeting all requirements of this chapter and of the qualifying local program is submitted and no action is taken within the time specified above, the plan shall be deemed approved.

C. If allowed by the qualifying local program, an initial stormwater management plan may be submitted for review and approval when it is accompanied by an erosion and sediment control plan and preliminary stormwater design for the current and future site work. Such plans shall be limited to the initial clearing and grading of the site unless otherwise allowed by the qualifying local program. An initial plan does not supersede the need for the submittal and approval of a complete stormwater management plan and the updating of the SWPPP prior to the commencement of activities beyond initial clearing and grading and other activities approved by the local program. The information in the initial plan shall include information detailed in subsection B to the extent required by the qualifying local program and such other information as may be required by the local program.

D. Each approved plan may be modified in accordance with the following:

1. Modifications to an approved stormwater management plan shall be allowed only after review and written approval by the qualifying local program. The qualifying local program shall have 60 calendar days to respond in writing either approving or disapproving such requests.

2. Based on an inspection, the qualifying local program may require amendments to the approved stormwater management plan to address the noted deficiencies and notify the person responsible for the land disturbing activity of the required modifications.

**4VAC50-60-112. Qualifying local program authorization of coverage under the VSMP General Permit for Discharges of Stormwater from Construction Activities.**

A. Coverage shall be authorized by the qualifying local program under the VSMP General Permit for Discharges of Stormwater from Construction Activities in accordance with the following:

1. The applicant must have an approved initial stormwater management plan or an approved stormwater management plan for the land disturbing activity. Approval of an initial plan does not supersede the need for the submittal and approval of a complete stormwater management plan and the updating of the SWPPP prior to the commencement of activities beyond initial clearing and grading and other activities approved by the local program.

2. The applicant must have an approved registration statement for the VSMP General Permit for Discharges of Stormwater from Construction Activities.

3. The applicant must have submitted the required fee form and fee for the registration statement seeking coverage under the VSMP General Permit for Discharges of Stormwater from Construction Activities prior to initial stormwater management plan or stormwater management plan review.

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4. Applicants submitting registration statements deemed to be incomplete must be notified within 10 working days of receipt by the qualifying local program that the registration statement is not complete and be notified (i) of what material needs to be submitted to complete the registration statement, and (ii) that the land disturbing activity does not have coverage under the VSMP General Permit for Discharges of Stormwater from Construction Activities.

B. Coverage or termination of coverage shall be authorized through a standardized database or other method provided by the department. Such database shall include, at a minimum, permit number, operator name, activity name, acres disturbed, date of permit coverage, and site address and location as well as date of termination.

C. Coverage information pertaining to the VSMP General Permit for Discharges of Stormwater from Construction Activities shall be reported to the department in accordance with 4VAC50-60-126 by the qualifying local program.

**4VAC50-60-114. Qualifying local program inspections.**

A. Inspections of land disturbing activities shall be conducted by a qualifying local program or its designee during construction to ensure that the activity is in compliance with the VSMP General Permit for Discharges of Stormwater from Construction Activities.

B. The person responsible for the development project or their designated agent shall submit an as-built survey for permanent stormwater management facilities, appropriately sealed and signed by a professional in accordance with all minimum standards and requirements pertaining to the practice of that profession pursuant to Chapter 4 of Title 54.1 of the Code of Virginia and attendant regulations, certifying that the stormwater management facilities have been constructed in accordance with the approved plan. The qualifying local program shall ensure that an as-built survey is on file and the facilities are properly functioning prior to the release of any associated performance bond or surety.

C. The operator(s) of stormwater management facilities shall be required to conduct inspections in accordance with a recorded inspection schedule and maintenance agreement, or on an annual basis for stormwater management facilities without a recorded inspection schedule and maintenance agreement, and shall submit written inspection and maintenance reports to the qualifying local program upon request. Such reports may be utilized by the qualifying local program to assess the general status of the facilities and to guide the periodic development or modification of a qualifying local program's alternative inspection schedule.

D. A qualifying local program shall inspect stormwater management facilities on an annual basis or as established by an alternative inspection program that may allow for a less frequent inspection but ensures that the stormwater management facilities are functioning as intended. Any alternative inspection program shall be:

1. Approved by the board prior to implementation;
2. Established in writing;
3. Based on a system of priorities that takes into consideration the purpose and type of the facility, ownership and the existence of a recorded maintenance agreement and inspection schedule, the contributing drainage area, and downstream conditions;
4. Demonstrated to be an enforceable inspection program that meets the intent of the regulations and ensures that each stormwater management facility is inspected by the qualifying local program or its designee, not to include the owner, at least every five years; and
5. Documented by inspection records.

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E. Inspection reports shall be generated and kept on file in accordance with 4VAC50-60-126 for all stormwater management facilities inspected by the qualifying local program.

F. The operator shall allow a right of entry to a representative of the qualifying local program to conduct inspections of the project.

**4VAC50-60-116. Qualifying local program enforcement.**

A. A qualifying local program may incorporate the following components:

1. Informal and formal administrative enforcement procedures including:

a. Verbal warning and inspection reports;

b. Notices of corrective action;

c. Consent special orders and civil charges in accordance with §§10.1-603.2:1 subsection 7 and 10.1-603.14 subsection D2;

d. Notices to comply in accordance with §10.1-603.11;

e. Special orders in accordance with §10.1-603.2:1 subsection 7;

f. Emergency special orders in accordance with §10.1-603.2:1 subsection 7; and

g. Public notices and comment periods pursuant to 4VAC50-60-660.

2. Civil and criminal judicial enforcement procedures including:

a. Schedule of civil penalties set out in subsection D;

b. Criminal penalties in accordance with §10.1-603.14 subsections B and C; and

c. Injunctions in accordance with §§10.1-603.12:4 and 10.1-603.14 subsection D1.

B. A qualifying local program shall develop policies and procedures that outline the steps to be taken regarding enforcement actions under the Stormwater Management Act and attendant regulations and the local ordinance.

C. A qualifying local program may utilize the department's Stormwater Management Enforcement Manual as guidance in establishing policies and procedures.

D. A court may utilize as guidance the following Schedule of Civil Penalties set by the board in accordance with §10.1-603.14 subsection A. The board intends that these civil penalties generally be applied after other enforcement remedies have been unsuccessful, in egregious situations, or for repeat offenders.

<u>Violations and Frequency of Occurrence *</u>	<u>Maximum \$\$/occurrence (occur.)/day</u>	<u>Recommended Minimum \$\$/occurrence/day</u>
<u>No Permit Registration</u>	<u>Up to \$32,500/ occur./ day(s)</u>	<u>\$10,000/ occur./ day(s)</u>
<u>No Stormwater Pollution Prevention Plan (SWPPP) [No SWPPP components including erosion and sediment (E&amp;S Control Plan)]</u>	<u>Up to \$32,500/ occur./ day(s)</u>	<u>\$10,000/ occur./ day(s)</u>
<u>No approved E&amp;S Control Plan</u>	<u>Up to \$32,500/ occur./ day(s)</u>	<u>\$10,000/ occur./ day(s)</u>
<u>Failure to install stormwater Best Management Practices (BMPs) or E&amp;S controls**</u>	<u>Up to \$32,500/ occur./ day(s)</u>	<u>\$5,000/ occur./ day(s)</u>

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<u>Failure to conduct required inspections</u>	<u>Up to \$32,500/ occur./ day(s)</u>	<u>\$1,000/ occur./ day(s)</u>
<u>Operational deficiencies (e.g., failure to initiate stabilization measures as soon as practicable; failure to implement control measures for construction debris; incomplete SWPPP; SWPPP not onsite; Stormwater BMPs or erosion and sediment controls improperly installed or maintained; incomplete, improper or missed inspections.)</u>	<u>Up to \$32,500/ occur./ day(s)</u>	<u>\$500/ occur./ day(s)</u>

\* The frequency of occurrence is a maximum of per day per violation.

\*\* Each BMP and E&S control not installed constitutes a separate violation

E. Pursuant to § 10.1-603.2:1 subsection 2, authorization to administer a qualifying local program shall not remove from the board the authority to enforce the provisions of the Virginia Stormwater Management Act and attendant regulations.

F. All amounts recovered by a qualifying local program shall be used solely to carry out the qualifying local program's responsibilities pursuant to Part II and this part of these regulations.

**4VAC50-60-118. Hearings.**

A qualifying local program shall ensure that any permit applicant or permittee shall have a right to a hearing pursuant to § 10.1-603.12:6 and shall ensure that all hearings held under this chapter shall be conducted in accordance with § 10.1-603.12:7 or as otherwise provided by law.

**4VAC50-60-122. Qualifying local program: exceptions.**

A. A person may request an exception to the provisions of Part II (4VAC50-60-40 et seq.). A qualifying local program may grant exceptions through an administrative process. A request for an exception, including the reasons for making the request, shall be submitted, in writing, to the qualifying local program. An exception may be granted, provided that: (i) the exception is the minimum necessary to afford relief, (ii) reasonable and appropriate conditions shall be imposed as necessary upon any exception granted so that the intent of the Act and this chapter are preserved, (iii) granting the exception will not confer on the permittee any special privileges that are denied to other permittees who present similar circumstances, and (iv) exception requests are not based upon conditions or circumstances that are self-imposed or self-created.

B. Economic hardship alone is not sufficient reason to grant an exception from the requirements of this chapter.

C. Under no circumstance shall the qualifying local program grant an exception to the requirement that the land disturbing activity obtain a permit.

D. A record of all exceptions granted shall be maintained by the qualifying local program and reported to the department in accordance with 4VAC50-60-126.

**4VAC50-60-124. Qualifying local program: Stormwater Management Facility maintenance.**

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A. Responsibility for the operation and maintenance of stormwater management facilities in accordance with this chapter, unless assumed by a governmental agency, shall remain with the property owner and shall pass to any successor. The qualifying local program shall be a party to each maintenance agreement pursuant to 4VAC50-60-108 subsection j. If portions of the land are to be transferred or conveyed, legally binding arrangements shall be made to pass maintenance responsibilities to successors in title. These arrangements shall designate for each stormwater management facility the property owner, governmental agency, or other legally established entity that will be permanently responsible for maintenance. These arrangements shall also preserve the rights of the qualifying local program pursuant to an agreement with the owner formed under 4VAC50-60-108 subsection j.

B. In the case of developments where lots are to be transferred or conveyed, permanent arrangements between the seller and the buyer, which are legally binding and satisfactory to the qualifying local program, shall be made to ensure continued performance in accordance with this chapter.

C. Where maintenance or repair is neglected, or the stormwater management facility becomes a public health or safety concern, the qualifying local program may take action pursuant to an agreement with the owner pursuant to 4VAC50-60-108 subsection j.

D. The qualifying local program shall require right-of-entry agreements or easements from the operator for purposes of inspection and maintenance.

E. The qualifying local program shall ensure that the flow and drainage patterns associated with a permanent facility are maintained to the extent allowed by law.

**4VAC50-60-126. Qualifying local program: reporting and record keeping.**

A. On a fiscal year basis (July 1 to June 30), a qualifying local program shall report to the department by October 1st of each year in a format provided by the department. The information to be provided shall include but not be limited to the following:

1. Information on each permanent stormwater management facility accepted during the fiscal year to include type of stormwater management facility, GPS coordinates, acres treated, and the surface waters or karst features into which the stormwater management facility will discharge;

2. Number of VSMP General Permit for Discharges of Stormwater from Construction Activities projects inspected and the total number of inspections by acreage categories determined by the department during the fiscal year;

3. Number and type of enforcement actions during the fiscal year; and

4. Number of exceptions applied for and the number granted or denied during the fiscal year.

B. A qualifying local program shall make information set out in subsection A available to the department upon request.

C. A qualifying local program shall keep records in accordance with the following:

1. Permit files shall be kept for 5 years after permit termination. After 5 years, the registration statements, notices of coverage and notices of termination shall be archived in accordance with the regulations of the Library of Virginia.

2. Stormwater maintenance facility inspection reports shall be kept for 5 years from the date of creation. After 5 years, the reports shall be archived in accordance with the regulations of the Library of Virginia.



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337           3. Stormwater maintenance agreements, design standards and specifications, post-  
338 construction surveys, and maintenance records shall be maintained in perpetuity.

339           4. Other records shall be maintained in accordance with the regulations of the Library of  
340 Virginia.

341  
342 **Part IIIB**

343 **Department of Conservation and Recreation administered local**  
344 **programs**

345  
346 **4VAC50-60-128. Authority and Applicability.**

347           In the absence of a qualifying local program, the department shall administer the local  
348 stormwater management program in a locality in accordance with §10.1-603.3 subsection C.  
349 This part specifies the minimum technical criteria for a department -administered local  
350 stormwater management program in accordance with the Virginia Stormwater Management Act,  
351 §10.1-603.2 et seq., and the standards and criteria established in these regulations by the board  
352 pursuant to its authority under that article. Such criteria include but are not limited to  
353 administration, plan review, issuance of coverage under the Virginia Stormwater Management  
354 Program (VSMP) General Permit for Discharges of Stormwater from Construction Activities,  
355 issuance of individual permits, inspection, enforcement, and education and outreach components.

356  
357 **4VAC50-60-132. Technical criteria.**

358           A. The department administered local stormwater management programs shall require  
359 compliance with the provisions of Part II (4VAC50-60-40 et seq.) unless an exception is granted  
360 pursuant to 4VAC50-60-142 subsection D and shall comply with the requirements of 4VAC50-  
361 60-460 subsection L.

362           B. When reviewing a federal project, the department shall apply the provisions of this  
363 chapter.

364           C. Nothing in this chapter shall be construed as limiting the rights of other federal and  
365 state agencies to impose stricter technical criteria or other requirements as allowed by law.

366  
367 **4VAC50-60-134. Administrative authorities.**

368           A. The department is the permit issuing authority, plan approving authority, and the  
369 enforcement authority.

370           B. The department or its designee is the plan reviewing authority and the inspection  
371 authority.

372           C. The department shall assess and collect fees.

373           D. The department may require the submission of a reasonable performance bond or  
374 other financial surety in accordance with the criteria set forth in §10.1-603.8 prior to the issuance  
375 of coverage under the VSMP General Permit for Discharges of Stormwater from Construction  
376 Activities and in accordance with the following:

377           1. The amount of the installation performance security shall be the total estimated  
378 construction cost of the stormwater management BMPs approved under the stormwater  
379 management plan, plus 25%;

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2. The performance security shall contain forfeiture provisions for failure, after proper notice, to complete work within the time specified, or to initiate or maintain appropriate actions which may be required in accordance with the approved stormwater management plan;

3. Upon failure by the applicant to take such action as required, the department may act and may collect from the applicant the difference should the amount of the reasonable cost of such action exceed the amount of the security held; and

4. Within sixty days of the completion of the requirements and conditions of the VSMP General Permit for Discharges of Stormwater from Construction Activities and the department's acceptance of the Notice of Termination, such bond, cash escrow, letter of credit or other legal arrangement shall be refunded to the applicant.

**4VAC50-60-136. Stormwater management plan review.**

A. The department shall require stormwater management plans for review and approval prior to commencement of land disturbing activities.

B. The department shall approve or disapprove a stormwater management plan and required accompanying information according to the criteria set out for a qualifying local program in 4VAC50-60-108 subsection B.

C. The department shall not accept initial stormwater management plans.

D. Each approved stormwater management plan may be modified in accordance with the criteria set out for a qualifying local program in 4VAC50-60-108 subsection D.

**4VAC50-60-138. Issuance of coverage under the VSMP General Permit for Discharges of Stormwater from Construction Activities.**

The department shall issue coverage under the VSMP General Permit for Discharges of Stormwater from Construction Activities in accordance with the following:

1. The applicant must have a department approved stormwater management plan for the land disturbing activity.

2. The applicant must have submitted a complete registration statement for the VSMP General Permit for Discharges of Stormwater from Construction Activities in accordance with Part VII (4VAC50-60-360 et seq.) and the requirements of the VSMP General Permit for Discharges of Stormwater from Construction Activities, which acknowledges that a SWPPP has been developed and will be implemented, and the registration statement must have been reviewed and approved.

3. The applicant must have submitted the required fee form and fee for the registration statement seeking coverage under the VSMP General Permit for Discharges of Stormwater from Construction Activities.

4. Applicants submitting registration statements deemed to be incomplete must be notified within 10 working days of receipt by the department that the registration statement is not complete and be notified (i) of what material needs to be submitted to complete the registration statement, and (ii) that the land disturbing activity does not have coverage under the VSMP General Permit for Discharges of Stormwater from Construction Activities.

5. Individual permits for qualifying land disturbing activities may be issued at the discretion of the board or its designee pursuant to 4VAC50-60-410 subsection B3.

**4VAC50-60-142. Inspections, Enforcement, Hearings, Exceptions, and Stormwater Management Facility Maintenance.**

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A. Inspections shall be conducted by the department in accordance with 4VAC50-60-114.

B. Enforcement actions shall be conducted by the department in accordance with 4VAC50-60-116. The department's Stormwater Management Enforcement Manual shall serve as guidance to be utilized in enforcement actions under the Stormwater Management Act and attendant regulations.

C. Hearings shall be conducted by the department in accordance with 4VAC50-60-118.

D. Exceptions may be granted by the department in accordance with 4VAC50-60-122.

E. Stormwater management facility maintenance shall be conducted in accordance with 4VAC50-60-124.

**4VAC50-60-154. Reporting and record keeping.**

A. The department shall maintain a current database of permit coverage information for all projects that includes permit number, operator name, activity name, acres disturbed, date of permit coverage, and site address and location.

B. On a fiscal year basis (July 1 to June 30), a local program shall report to the department by October 1<sup>st</sup> in accordance with 4VAC50-60-126 subsection A.

C. On a fiscal year basis (July 1 to June 30), the department shall compile information provided by local programs.

D. Records shall be maintained by the department in accordance with 4VAC50-60-126 subsection C.

**Part IIIC**

**Department of Conservation and Recreation procedures for review of qualifying local programs**

**4VAC50-60-156. Authority and Applicability.**

This part specifies the criteria that the department will utilize in reviewing a locality's administration of a qualifying local program pursuant to §10.1-603.12 following the board's approval of such program in accordance with the Virginia Stormwater Management Act and these regulations.

**4VAC50-60-157. Stormwater Management Program Review.**

A. The department shall review each board-approved qualifying local program once every five years on a review schedule approved by the board. The department may review a qualifying local program on a more frequent basis if deemed necessary.

B. The review of a board-approved qualifying local program shall consist of the following:

1. A personal interview between department staff and the qualifying local program administrator or his designee;

2. A review of the local ordinance(s) and other applicable documents;

3. A review of plans approved by the qualifying local program and consistency of application including exceptions granted;

4. An accounting of fees received and of the financing of the program;

5. An inspection of regulated activities; and

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6. A review of enforcement actions and an accounting of amounts recovered through enforcement actions.

C. To the extent practicable, the department will coordinate the reviews with other local government program reviews to avoid redundancy.

D. The department shall provide its recommendations to the board within 90 days of the completion of a review.

E. The board shall determine if the qualifying local program and ordinance are consistent with the Act and state stormwater management regulations and notify the qualifying local program of its findings.

F. If the board determines that the deficiencies noted in the review will cause the qualifying local program to be inconsistent with the Stormwater Management Act and its attendant regulations, the board shall notify the qualifying local program concerning the deficiencies and provide a reasonable period of time for corrective action to be taken. If the qualifying local program fails to take the corrective action within the specified time, the board may take action pursuant to §10.1-603.12 of the Code of Virginia.

### **Part IIID**

### **Virginia Soil and Water Conservation Board authorization procedures for qualifying local programs**

#### **4VAC50-60-158. Authority and Applicability.**

Section 10.1-603.4 subsection 1 requires that the board establish standards and procedures for authorizing a locality to administer a stormwater management program. In accordance with that requirement, and with the further authority conferred upon the board by the Virginia Stormwater Management Act, §10.1-603.2 et seq., this part specifies the procedures the board will utilize in authorizing a locality to administer a qualifying local program.

#### **4VAC50-60-159. Authorization Procedures for Qualifying Local Programs..**

A. A locality required to adopt a program in accordance with §10.1-603.3 subsection A or those electing to seek authorization to administer a qualifying local program must submit to the board an application package which, at a minimum, contains the following:

1. The local program ordinance(s);

2. A funding and staffing plan;

3. The policies and procedures, including but not limited to, agreements with Soil and Water Conservation Districts, adjacent localities, or other entities, for the administration, plan review, permit issuance, inspection and enforcement components of the program; and

4. The process by which the locality will collect permit fees and submit for deposit on a monthly basis to the Virginia Stormwater Management Fund.

B. Any locality seeking authorization to administer a qualifying local program pursuant to this chapter must be administering an Erosion and Sediment Control program that has been found by the board to be consistent or conditionally consistent with the Erosion and Sediment Control Law, § 10.1-560 et seq.

C. Upon receipt of an application package, the board or its designee shall have 20 calendar days to determine the completeness of the application package. If an application package is deemed to be incomplete based on the criteria set out in subsection A of this section,

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the board or its designee must identify in writing the reasons the application package is deemed deficient.

D. Upon receipt of a complete application package, the board or its designee shall have 90 calendar days for the review of the application package. During the 90-day review period, the board or its designee shall either approve or disapprove the application, or notify the locality of a time extension for the review, and communicate its decision to the locality in writing. If the application is not approved, the reasons for not approving the application shall be provided to the locality in writing. Approval or denial shall be based on the application's compliance with the Virginia Stormwater Management Act and these regulations.

E. A locality required to adopt a qualifying local program in accordance with §10.1-603.3 subsection A shall submit a complete application package for the board's review pursuant to a schedule set by the board in accordance with § 10.1-603.3 and shall adopt a qualifying local program consistent with the Act and this chapter within the timeframe established pursuant to § 10.1-603.3.

F. A locality not required to adopt a qualifying local program in accordance with §10.1-603.3 subsection A but electing to adopt a qualifying local program shall notify the board in accordance with the following:

1. A locality electing to adopt a qualifying local program may notify the board of its intention within six months of the effective date of these regulations. Such locality shall submit a complete application package for the board's review pursuant to a schedule set by the board and shall adopt a qualifying local program within the timeframe established by the board.

2. A locality electing to adopt a qualifying local program that does not notify the board within the initial six-month period of its intention may thereafter notify the board at any regular meeting of the board. Such notification shall include a proposed schedule for adoption of a qualifying local program within a timeframe agreed upon by the board.

G. The department shall administer the responsibilities of the Act and this chapter in any locality in which a qualifying local program has not been adopted. The department shall develop a schedule, to be approved by the board, for implementation of the requirements of this chapter in such localities. Such schedule may include phases of implementation and shall be based upon considerations including the typical number of permitted projects located within a locality, total number of acres disturbed by such permitted projects, and such other considerations as may be deemed necessary by the board.